

MEMORANDUM

July 7, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DENNIS M. GONZALES
Principal Deputy County Counsel
General Litigation Division

RE: Ricardo Oliva v. County of Los Angeles
Los Angeles Superior Case No.: TC018181

DATE OF
INCIDENT: March 31, 2004

AUTHORITY
REQUESTED: \$70,000

COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:



Approve



Disapprove



Recommend to Board of
Supervisors for Approval



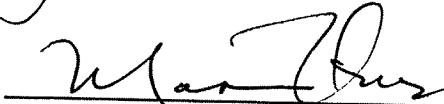
ROCKY A. ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on

July 18

, 2005

SUMMARY

This is recommendation to settle for \$70,000 a lawsuit filed by Ricardo Oliva, who alleges that on March 31, 2004, his federal civil rights were violated when he was shot by Los Angeles County Sheriff's deputies.

LEGAL PRINCIPLES

A public entity and its employees may be liable under the Federal Civil Rights Act, for using excessive force.

The prevailing party in a lawsuit brought under the Federal Civil Rights Act may be awarded attorney's fees.

SUMMARY OF FACTS

On March 31, 2004, at approximately 9:30 a.m., Sheriff's deputies responded to a "man with a gun" call, which resulted in a deputy-involved shooting during which the suspect was killed. On top of a nearby building, Mr. Oliva was repairing the roof. Sheriff's deputies who had responded to the original shooting observed Mr. Oliva with what appeared to be a rifle aimed in their direction. The Sheriff's deputies, believing Mr. Oliva was a sniper involved in the shooting that had just occurred, fired at him, striking him twice in the arm.

After he was removed from the roof, the Sheriff's deputies learned that he was a roofer and was using a long-handled hot mop on the roof.

STATUS OF CASE

The trial court proceeding has been suspended pending consideration of this settlement recommendation.

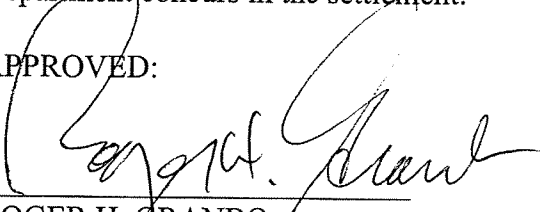
Legal expenses incurred by the County to date in defense of this matter are attorney's fees of \$24,216 and \$1,879 in costs.

EVALUATION

Although the appearance of a person on a roof with a long-handled mop could have been perceived as a threat in light of the shooting that had just occurred, a jury could find that the Sheriff's deputies' actions were unreasonable under the circumstances. A reasonable settlement at this time will save further litigation costs and avoid a verdict that could exceed the proposed settlement.

Therefore, it is recommended the best interest of the County would be served by settling this matter in the amount of \$70,000. The Sheriff's Department concurs in the settlement.

APPROVED:

A handwritten signature in black ink, appearing to read "Roger H. Granbo", written over a horizontal line.

ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

DMG:js